

JENNER & BLOCK LLP
Andrew J. Thomas (Cal. Bar No. 159533)
ajthomas@jenner.com
Andrew G. Sullivan (Cal. Bar No. 301122)
agsullivan@jenner.com
Anna K. Lyons (Cal. Bar No. 324090)
alyons@jenner.com
633 West 5th Street, Suite 3600
Los Angeles, CA 90071
Telephone: (213) 239-5100
Facsimile: (213) 239-5199

Attorneys for All Defendants

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KEVIN RISTO, on behalf of himself
and all others similarly situated,

Plaintiff,

vs.

SCREEN ACTORS GUILD-
AMERICAN FEDERATION OF
TELEVISION AND RADIO
ARTISTS, a Delaware corporation;
AMERICAN FEDERATION OF
MUSICIANS OF THE UNITED
STATES AND CANADA, a California
nonprofit corporation; RAYMOND M.
HAIR, JR., an individual, as Trustee of
the AFM and SAG-AFTRA Intellectual
Property Rights Distribution Fund;
TINO GAGLIARDI, an individual, as
Trustee of the AFM and SAG-AFTRA
Intellectual Property Rights
Distribution Fund; DUNCAN
CRABTREE-IRELAND, an individual,
as Trustee of the AFM and SAG-

Case No. 2:18-cv-07241-CAS-PLA

Class Action

**DECLARATION OF ANNA K.
LYONS IN SUPPORT OF
DEFENDANT'S OPPOSITION TO
PLAINTIFF'S MOTION FOR
RECONSIDERATION**

Discovery Cut-Off: March 1, 2021
Pre-Trial Conference: July 19, 2021
Trial Date: August 17, 2021

1 AFTRA Intellectual Property Rights
2 Distribution Fund; STEFANIE TAUB,
3 an individual, as Trustee of the AFM
4 and SAG-AFTRA Intellectual Property
5 Rights Distribution Fund; JON JOYCE,
6 an individual, as Trustee of the AFM
7 and SAG-AFTRA Intellectual Property
8 Rights Distribution Fund; BRUCE
9 BOUTON, an individual, as Trustee
10 of the AFM and SAG-AFTRA
11 Intellectual Property Rights
12 Distribution Fund; and DOE
13 DEFENDANTS 1-10,

Defendants.

DECLARATION OF ANNA K. LYONS

I, Anna K. Lyons, declare as follows:

1. I am admitted to practice law in the State of California and am an attorney in the law firm of Jenner & Block, LLP (“Jenner & Block”), which serves as counsel of record for Defendants Screen Actors Guild-American Federation of Television and Radio Artists (“SAG-AFTRA”), American Federation of Musicians of the United States and Canada (“AFM”), Raymond M. Hair, Jr., Tino Gagliardi, Duncan Crabtree-Ireland, Stefanie Taub, Jon Joyce, and Bruce Bouton (collectively, “Defendants”). I submit this declaration in support of Defendants’ response to Plaintiff Kevin Risto’s (“Plaintiff”) Motion for Reconsideration of this Court’s January 11, 2021 Order on Plaintiff’s motion to compel compliance with Request for Production No. 40. If called to testify, I could and would testify as to the following based on personal knowledge.

2. The redacted version of the December 2013 Fund Board of Trustee Meeting Minutes produced by Defendants on November 22, 2019 is attached hereto as **Exhibit 1**.

3. The un-redacted version of the December 2013 Fund Board of Trustee Meeting Minutes produced by Defendants on September 28, 2020 is attached hereto as **Exhibit 2**.

4. An excerpt from the Deposition of the Fund’s designee witness, Stefanie Taub, explaining the purpose of the Fund’s conflict of interest policy is attached hereto as **Exhibit 3**.

5. The August 20, 2020 subpoena Plaintiff served on the Fund calling for the production of 24 categories of documents, including documents related to the Fund’s conflict of interest policy, is attached hereto as **Exhibit 4**.

6. Defense counsel and Plaintiff’s counsel discussed in correspondence dated September 4, 2020 and September 10, 2020 that the Fund’s deposition would take place either on October 20, 2020, or else on a later date. The Fund made no

1 representations about the timing of its production of documents in response to the
2 subpoena in the course of this correspondence, nor did Plaintiff request any
3 information regarding the timing of the Fund's document production.

4 7. On September 17, 2020, the Fund sent a letter demanding that
5 Defendants immediately produce conflict of interest policy documents – documents
6 that had never been requested from Defendants, and that had only recently been
7 requested from the Fund. Without having received these recently-requested
8 documents, Plaintiff's counsel nonetheless elected to proceed with Mr. Joyce's
9 deposition on September 22, 2020. At this time, only two of an ultimate 17
10 depositions had been taken. The Court had not yet set a discovery cutoff.

11 8. The Fund produced documents responsive to Plaintiff's subpoena on
12 November 30, 2020, weeks in advance of the deposition of the Fund's designee,
13 which took place on January 20, 2021.

14 9. The Fund's conflict of interest policy was first adopted in 2014; there
15 was no written conflict of interest policy in place in June 2013.

16 I declare under penalty of perjury under the laws of the United States of
17 America that the foregoing is true and correct.

18 Executed this 24th day of March, 2021.

19 /s/ Anna K. Lyons
20 Anna K. Lyons
21
22
23
24
25
26
27
28